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IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

FIRST APPELLATE DISTRICT

DIVISION ONE

THE PEOPLE,

Plaintiff and Respondent,

v.

DAVID VILLA,

Defendant and Appellant.

A135984

(San Mateo County Super. Ct.
No. SC075211A)

After a plea bargain with the assistance of counsel, defendant David Villa pleaded no contest to a violation of Health and Safety Code section 11350, unlawful possession of a controlled substance, cocaine, and admitted a prior juvenile strike adjudication (Penal Code § 1170, subd. (c)(1)). Two other counts and special allegations, one of which would have precluded probation, were dismissed as part of the bargain. A *Romero* motion¹ was granted, imposition of sentence was suspended, and defendant was placed on three years' probation with credit for county jail time. Defendant filed a notice of appeal.

Defendant's counsel filed an opening brief that raises no issues and asks this court for an independent review pursuant to *People v. Wende* (1979) 25 Cal.3d 436. Defendant was notified of his right to file a supplemental brief and has not done so. After independent review of the record, we conclude there are no arguable issues to brief and affirm the judgment.

¹ (*People v. Superior Court (Romero)* (1996) 13 Cal.4th 494.)

Background

Responding to a complaint about noise at the Half Moon Bay Sports Bar at 1:30 a.m., Deputy Sheriff John Lothian saw a large number of people walking toward their cars and recognized defendant with his shaved head and “650” tattooed on the back of his head. Lothian knew defendant from prior contacts and believed he was on parole. As he tried to stop defendant, defendant and two companions ran off around a corner. Lothian radioed Villa’s description and direction of travel and confirmed defendant was on parole.

Deputy Sheriff Michael Marty received the broadcast; he also knew Villa and that he was on parole. Fifteen minutes later, he found defendant slumped down in the back seat of a parked car. Defendant left from the back door and looked like he was attempting to flee. Defendant was detained, searched and arrested for possession of .29 grams of cocaine.

Discussion

By pleading no contest defendant admitted the sufficiency of the evidence establishing the crime and is not entitled to review of any issue that concerns the question of guilt. (*People v. Hunter* 100 Cal.App.4th 37, 42.) Penal Code section 1237.5 bars the appeal, except for defendant’s motion to suppress, unless defendant received a certificate of probable cause, which he did not.

Defendant filed a 1538.5 motion to suppress, alleging an illegal warrantless detention resulted in the discovery of a small amount of cocaine. The court carefully considered the testimony of parole agent Rachel Darrow to establish defendant’s parole status at the time of the arrest; the testimony of Deputy Sheriff John Lothian regarding his encounter with defendant; and the testimony of Deputy Sheriff Michael Marty regarding his detention and arrest of defendant. Deputy Marty knew defendant was on parole and subject to search of his person. After argument by counsel, the court properly denied the motion, noting defendant’s parole status and the circumstances warranting the detention and search.

There were no errors in the proceedings or in the sentence imposed. The court exercised its discretion in a proper manner.

The judgment is affirmed.

Marchiano, P.J.

We concur:

Margulies, J.

Banke, J.